

Bennett Opening Statement
Senate Rules Committee
Examining the Filibuster: The Filibuster Today and its Consequences
May 19, 2010

Mr. Chair, thank you for holding this hearing and for the opportunity to offer a few introductory remarks.

Though the majority has chosen to focus on what it believes to be the abuse of the filibuster by the minority, these hearings have also revealed how the majority leadership is abusing the rules to limit debate and amendment. At our first hearing we saw how the leadership is "filling the tree" to prevent the consideration of amendments. At our request the Congressional Research Service produced a report that shows our current Majority Leader used this tactic at a rate more than double that of his predecessor and almost five times as often as the last 5 Majority Leaders combined.

Since that first hearing, we have continued to study these abuses of Senate Rules by the majority; the use of Senate Rule 14 to bypass regular order and avoid committee consideration; and the decreasing time between the introduction of a matter and the filing of a cloture petition. Each report reveals a trend towards greater manipulation of Senate Rules by the Majority to restrict the voice and influence of the Minority and the citizens we represent. For example, during the 109th Congress, Rule 14 was used a total of 11 times. In the 110th Congress, that number grew to 30. CRS also reveals that since January 2007 the Majority has filed cloture on the first day a measure, matter or motion was raised at an alarming rate. This clearly indicates cloture is being filed prematurely, before a filibuster has even commenced. Yet some would still claim that cloture filings, by the majority, somehow prove abuse of the filibuster by the minority.

Interestingly, these abuses by the Majority go largely unnoticed (or ignored) by the media and pundits; many of whom have rediscovered their skepticism of the filibuster's utility now that the Republicans are using it to make their voice heard. I look forward to this hearing and the opportunity it affords this Committee to provide a more complete picture of obstructionism in the Senate.

I ask that the three CRS reports I have cited in my remarks be made part of the record.